IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21805 of 2004

Between:

Pothuganti Venkatanarasimha Rao S/o.Chinna Venkatappaiah
aged 54 years, Occu:Business, R/o.D.No.3-1-17, Pathuru Narasaraopet, Guntur District.

... PETITIONER

AND

1 Vellampalli Gopi S/o.not known, Ramesh Jewellers, Gold

Shop Bazaar, Ongole, Prakasam District.
2 Ramakoteswara Rao, Circle Inspector,

I Town Police Station, Ongole.
3 Nageswara Rao, Asst.Sub Inspector of Police,

I Town Police Station, Ongole.
4 The Superintendent of Police Ongole, Prakasam District.
5 The Deputy Inspector General of Police,

Guntur Ranga, Guntur.
6 The Director General of Police Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the inaction of Respondents 4 to 6 in not taking any action on the representation of the petitioner dated 5.11.2004 as arbitrary, illegal and unconstitutional and consequently direct the respondents 2 and 3 not to interfere with the personal liberty of the petitioner without following due process.

Counsel for the Petitioner: MR.T.NIRANJAN REDDY

Counsel for the Respondent Nos.1 : None appeared

Counsel for the Respondent Nos.2 to 6 : GP FOR HOME

The Court at the stage of admission made the following :

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O R D E R:

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The petitioner alleges that he is being indiscriminately called to the police station and harassed by respondents 2 and 3, at the instance of first respondent. He seeks an appropriate direction from this Court to protect his life and personal liberty. When the matter came up for admission on 29.11.2004, it was adjourned at the request of the learned Government Pleader for Home with a view to enable him to obtain instructions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

According to the petitioner, no case has been registered against him as on today in the I-Town Police Station. It is true that in certain cases, the police have the competence to interrogate a person even before a case is registered. But, such interrogation shall immediately follow either dropping of the proceedings or registration of the case for further investigation. Calling an individual to the police station continuously without registering a case would not only result in harassment of such a citizen, but also amount to deprivation of his rights guaranteed under Article 21 of the Constitution of India. The respondents are not able to point out that any case has been registered so far against the petitioner. In such an event, it shall not be open for them to require the petitioner to attend the police station, that too, indiscriminately and continuously.

Hence, the writ petition is disposed of, directing that the respondents 2 and 3 shall not be entitled to require the petitioner to attend the police station for the purpose of interrogation, unless any case with definite allegation against the petitioner is registered. There shall be no order as to costs.

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3rd December, 2004

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To

1 Mr.Ramakoteswara Rao, Circle Inspector,

I Town Police Station, Ongole.
2 Mr.Nageswara Rao, Asst.Sub Inspector of Police,

I Town Police Station, Ongole.
3 The Superintendent of Police Ongole, Prakasam District.
4 The Deputy Inspector General of Police,

Guntur Range, Guntur.
5 The Director General of Police, Hyderabad.

6 Two C.Cs. to the Government Pleader for Home,

High Court buildings, Hyderabad (OUT)

7 Two C.D.copies